

# ZONING ADMINISTRATOR PERMITS General (How to Apply)

## ***When is a Zoning Administrator Permit required?***

Approval of a zoning administrator permit is required before certain uses may be established in the City. The list of uses requiring a zoning administrator permit varies by zoning district. Check with the Community Development Department or refer to the zoning district regulations in the Zoning Ordinance to determine whether your project requires approval of a zoning administrator permit.

## ***What is its purpose?***

The purpose of a zoning administrator permit is to assure certain uses, as specified in the various zoning districts, are permitted where there is a community need, and the uses occur in maximum harmony with the area and in accordance with city policies and regulations. Conditions which are attached to permits to ensure harmony may include such things as limits on hours of operation or visual improvements.

## ***What does it cost?***

At the time of filing, an initial deposit of \$1,300 is required. The total cost of a zoning administrator permit will depend on the time required to process the application. Processing costs are billed on a time and material basis. Progress billings will be invoiced during the review of the project if charges exceed the minimum deposit. A refund will be issued at the completion of the project review if excess funds have been paid.

## ***Who approves a Zoning Administrator Permit?***

A zoning administrator permit is approved by the Zoning Administrator. Actions of the Zoning Administrator may be appealed within 10 days to the Planning Commission.

## ***What are the steps?***

1. Talk with a Community Development Department staff member in the Development Services Center to determine which regulations apply to your proposed use.

2. Submit a completed application form, filing fee and required materials for review to the Community Development Department's Development Services Center.
3. The Community Development Department will review your application to ensure it contains sufficient information to process. Copies of your proposal will also be referred to other affected departments and other agencies for comment. Upon receipt of their responses, the project planner assigned to your project will contact you if additional information or revised plans are needed.
4. When your application is deemed complete, the project planner will prepare and forward an analysis and recommendation to the Zoning Administrator. If a public hearing before the Zoning Administrator is determined to be necessary you will be notified of the date of the hearing.
5. Upon receipt of staff analysis and recommendation, or after completion of the public hearing, the Zoning Administrator will prepare a letter regarding his/her decision on the application.

## ***What materials do I submit?***

See Zoning Administrator Information Sheet for a detailed list of materials and information which must be filed with your application.

## ***How long does the process take?***

Once the application is determined to be complete with all requested information submitted, the process takes approximately 30 days.

Proposals requiring an environmental impact assessment and draft negative declaration will take approximately 6 weeks for processing. (Estimated

processing time **does not** include time needed by the applicant to revise and resubmit plans and studies.)

If an Environmental Impact Report (EIR) is required, the process will take considerably longer. A full EIR may take up to one year for processing. (For details about EIR requirements or other environmental concerns, see the Environmental Assessment Information Sheet.)

#### ***What is involved in a public hearing?***

Ten days prior to the hearing, the applicant and all owners of property within 300 feet of the boundaries of the project will be notified. A hearing may be held before the Zoning Administrator to review the proposed use. At the hearing the Zoning Administrator will receive comments from the public regarding the proposal. After the public hearing portion of the meeting is concluded, the Zoning Administrator may conditionally approve the project, deny it, or continue the matter (with the applicant's consent).

#### ***When are hearings held?***

The Zoning Administrator holds public hearings at times and dates which are acceptable to the applicant.

#### ***May a decision be appealed?***

An applicant or anyone else who is dissatisfied with the decision of the Zoning Administrator may appeal the decision to the Planning Commission. To appeal, a written statement explaining one's objections must be filed with the Community Development Department within 10 days after the decision has been made. A public hearing before the Planning Commission will be held in approximately 4 weeks.

#### ***What does an appeal cost?***

The appeal fee of \$35 must be filed along with the written statement of objection(s) of the Zoning Administrator action. The cost of processing the appeal will be borne by the applicant for the project, whether or not the applicant filed the appeal.

#### ***Are there any other steps I must go through before I open my business?***

1. If conditional approval is given by the Zoning Administrator, the project must be submitted to the Development Organization (D.O.) which is located at the Development Services Center for review. The Development Organization will review the project for compliance with the conditions as approved with the zoning

administrator permit. Until all conditions are complied with and documented by the Development Organization as having been completed, the approval by the Zoning Administrator is considered to be tentative. Once the actual zoning administrator permit is issued by the Development Organization, the approval is considered to be activated.

2. The Development Organization (D.O.) provides a "one-stop" coordinated process for the review of projects and building plans which generally result in the issuance of a building permit. The Development Organization consists of staff representatives from Planning, Building, Engineering, and Fire functions. The interdepartmental team reviews each project for compliance with the zoning ordinance, the General Plan, the State Building and Housing Codes, the Fire Code (including hazardous materials), landscape plans review, Fremont Municipal Code Compliance (such as subdivision grading, street right-of-way and improvement ordinances) and other compliance with established development policies.
3. In addition, any new business or relocated business must apply to the City of Fremont Revenue and Taxation Division for business tax clearance. This is a separate process and the Revenue and Taxation Division must be contacted directly regarding an application.

#### ***Can I get additional information?***

If you need additional information or if you have questions, please call (510) 494-4455.



# **ZONING ADMINISTRATOR PERMITS**

## **General**

### **(Initial Applications and Amendments)**

**Purpose:** The purpose of zoning administrator review is to determine the appropriateness of uses which may only be suitable (a) in certain locations in a zoning district, (b) if designed or laid out in a particular manner and/or (c) subject to specific conditions.

**Code Reference:** Fremont Municipal Code Title 8, Chapter 2, Article 25.1.

I understand that my plan review may be delayed if required materials are missing from the submittal package.

\_\_\_\_\_  
Project Applicant

\_\_\_\_\_  
Date

#### **Submittal Requirements:**

##### **NOTE:**

- Indicates an item which is always required.
- Indicates an item which may be required, depending on the project. The staff person who provides you this sheet will check (✓) the box if the item is required for your application.

- 1. A completed application form including:

Part I: Project information and the current property owner(s) signature authorizing the project proposal.

Part II Reimbursement Agreement with signature of the billing party acknowledging responsibility for charges.

Part III: A list of all consultants proposed to be involved with the project, or a statement that none are proposed to be involved.

Part IV: A statement signed by the applicant indicating whether the project site is found on the Hazardous Waste and Substances Sites List pursuant to California Government Code Section 65962.5.

Part V: Affordable Housing Plan Proposal for all residential projects resulting in two or more net new units or lots.

Part VI: Development Statistics

■ 2. Plans including the following items:

■ a. Vicinity map showing a one-half mile radius of the site.

■ b. Accurately dimensioned site plan showing:

(1) Property lines.

(2) Location, configuration and setbacks of all existing and proposed buildings and intended uses for the buildings and site, including occupancy classification and type of construction as defined in the Building Code.

(3) Parking, vehicle circulation areas and driveways.

(4) Pedestrian ways and recreation areas, existing and proposed.

(5) Development Reserve Boundary, Toe-of-the-Hill and Ridgeline, where applicable.

(6) Fencing.

(7) Easements on the property.

(8) All fire hydrants within 300 feet of the project site.

(9) All land uses surrounding the project site.

■ c. Floor plans, indicating all intended uses of each area.

□ d. Elevations showing:

(1) Each side of all proposed buildings and/or existing buildings, and/or the sides proposed to be modified.

(2) Materials and colors to be used on each elevation.

- ☐ e. Schematic landscape plan, new or modified.
  - ☐ f. Tree survey plan showing location, species, caliper and base elevations of all existing trees with a trunk diameter of four inches or greater measured four feet above grade. Groves may be shown in an outline.
- 3. The number of plans to be submitted with the application are:
- a. Ten (10) copies of full-sized plans, collated and folded to a size NO LARGER THAN 8" x 13".
  - b. One (1) copy of the plans reduced to 11" x 17", collated and folded to 8 1/2" x 11".

After initial review of your project has been completed, your project planner will request you submit the following materials 21 days before your public hearing or action date.

- c. Two (2) sets of full size plans.
- d. One (1) set of plans reduced to 11" x 17", collated and folded to 8 1/2" x 11".

Full-size plans submitted should be no larger than 30" x 42".

- ☐ 4. Statistics checked below must be provided on the site plan or on a separate sheet:
  - ☐ a. Building floor area (measured from the exterior faces of the walls less any areas within the buildings devoted to parking/circulation, malls and similar areas).
  - ☐ b. An inventory of all tenant spaces on the property, listing the address (or suite number), type of business (or other use of the space) and floor area for each.
  - ☐ c. Floor Area Ratio (FAR) calculations, for commercial or industrial projects. When the FAR is proposed to exceed the threshold provided in the General Plan, the applicant shall include information to support the findings required.
  - ☐ d. Building coverage of site.
  - ☐ e. Number of parking spaces, specifying the number of full size, handicapped and compact spaces.
- ☐ 5. Two copies of a current preliminary title report for projects that involve construction of a new building or expansion of existing building footprint and/or new site improvements such as landscaping, special paving, utilities and accessory structures.

- 6. Eight copies of a statement of proposed operations and design concept. The statement shall be prepared as a letter separate from the application forms. This statement shall include, if applicable, the hours and days of operation, a detailed description of the activities proposed under this project, and a description of the proposal.
- 7. This project will be subject to the requirements of Article 21.7, Inclusionary Housing, of the Fremont Municipal Code. The Inclusionary Housing Ordinance generally requires that 15% of the units within your project be made affordable. Details and specifics of the ordinance requirements are available at the Development Services Center, Office of Housing and Redevelopment and on line at [www.fremont.gov](http://www.fremont.gov). Your project proposal should include a brief written statement as to how you propose to comply with the provisions of the ordinance and identify the proposed location of affordable units within the project.
- 8. A material and color sample board with an overall size no larger than 11" x 17". The sample board shall include exterior finish material and colors for all visible surfaces including ground paving, walls, roofs, glazing systems, etc. The manufacturer's or supplier's names along with the color code and model numbers for each material or color shall be included on the material and color board. Any additional information needed to clearly identify the specific materials proposed to be used shall also be included. Both finish and color shall be labeled and keyed to the elevations.
- 9. Two complete copies of the Impervious Surfaces Form (<http://fremont.gov/ISF>).
- 10. A Land Use Declaration and a Land Use Acknowledgement, signed by the property owner.
- 11. Environmental Impact Questionnaire.

**Hearing Notification:** The City will notify all property owners, as well as business and residential tenants within the appropriate radius of your project site. Most projects require a 300-foot radius, while some require 1,000-foot based on the sensitivity of the project and the level of community input anticipated or required.

As with all other costs, you will be billed for staff time to research, create and label the required postcards. If the public hearing is delayed for an extended period of time after notices for your project have been mailed, you will be charged the cost to re-mail postcards.

**Materials:** The remainder of the noticing costs are for the price of materials, including cardstock, labels and postage. We estimate materials to cost **46 cents per postcard**.

**Example:** If there were 85 notices mailed for your project (the average number of notices for planning projects), your cost will be:

1/2 hour of staff time	\$28.00
85 postcards @ 46 cents each	\$39.10
<b>TOTAL COST</b>	<b>\$67.10</b>

**Schedule Time Line:** Complete applications for zoning administrator permits are generally acted on by the Zoning Administrator within one month. Projects requiring environmental impact assessment require at least six weeks.

**Incomplete Applications:** An application is considered to be incomplete if any of the items checked on this information sheet have not been included. Processing of the application will be delayed until the submittal is determined to be complete.

**Appeals:** Appeals of Zoning Administrator action are considered by the Planning Commission. Appeals must be submitted within 10 calendar days of notice of staff action. See Information Sheet No. 2 for details.

### **Development Impact Fees:**

#### ***Commercial and Industrial Buildings***

Development impact fees may be assessed if your project involves new construction or additional floor area. If the project involves a change of use in a building, development impact fees may also be assessed. For example, a change from a warehouse to an industrial classification or a change from retail to an office would require Development Impact Fees be paid. A credit will be applied to the value of fees for the previous use category and a charge will be applied for the fees of the new use category. There are three categories of Development Impact fees assessed for commercial and industrial buildings: Traffic, Capital Facilities and Fire Protection Fees.

#### ***Residential Developments***

New residential dwellings (single family and multi-family projects) always trigger payment of Development Impact Fees. In addition to the fee categories assessed for commercial and industrial buildings, new residential construction also requires the payment of Park Facilities and Park Dedication In-Lieu fees.

For further information on Development Impact Fees, please refer to the Development Impact Fee schedule available in the Development Services Center or speak with a Development Services staff member.

**Fees:** The minimum deposit is \_\_\_\_\_ and is due at the time of submittal. The actual charge will be based on staff time required to process the application, including any appeal. Progress billings will be invoiced during the review of the project if charges exceed the minimum deposit. A refund will be invoiced at the completion of the project review if excess funds have been paid.

In addition, payment of citywide development impact fees may be required as a condition of approval for your project.

Requirements described on this sheet are subject to change. If you need additional information or clarification to prepare your submittal please contact the staff person who furnished you this sheet for further assistance.

Information sheet furnished by: \_\_\_\_\_ Phone: (510) 494- \_\_\_\_\_

for proposal: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_






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## Affordable Housing Plan Proposal

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**Applicability:** Residential projects containing two or more net new living units or residential lots, or a combination of living units and residential lots, are required to provide the affordable housing per Fremont Municipal Code Title 8, Chapter 2, Article 21.7, Affordable Housing. Compliance with the affordable housing ordinance can be achieved through the basic requirement or, if approved, use of an alternative to the basic requirement. Below, identify how the residential project proposes to comply with the affordable housing ordinance by placing a “✓” in the appropriate section.

**Basic Requirement:** The affordable housing obligation is achieved differently for for-sale and rental residential projects, as described below:

\_\_\_\_\_ *For-sale projects:* For projects deemed complete by December 31, 2014, at least 15% of all living units in any for-sale residential project shall be made available at affordable cost to moderate income households. Effective January 1, 2015, the project’s affordable requirement increases to 20% of all living units. (FMC §8-22172(a)(1))

\_\_\_\_\_ *Rental projects:* Rental projects not receiving any City assistance comply with the affordable housing obligation through payment of the affordable housing impact fee. (FMC §8-22172(b)(1))

**Alternatives to Basic Requirement:** If one of the allowed alternatives to the basic requirement is proposed, identify the alternative below and describe how the project would comply with the specific FMC requirements for alternatives (FMC §§8-22177(a) through 8-22177(f)).

\_\_\_\_\_ *Provision of rental units:* Where ownership affordable units are required to comply with the basic requirement, the applicant may construct rental units affordable to moderate, low, and very low income households at rents prescribed in FMC §8-22177(a)(1). (FMC §8-22177(a))

\_\_\_\_\_ *Off-site construction:* The applicant may propose to construct affordable units on another site. (FMC §8-22177(b))

\_\_\_\_\_ *Property dedication:* The applicant may propose to dedicate, without cost to the City, property within or contiguous to the residential project sufficient to accommodate at least the required number of affordable units for the residential project. (FMC §8-22177(c))

\_\_\_\_\_ *Purchase of existing market-rate units:* The applicant may propose to purchase existing market-rate units not subject to any affordability covenants and convert them to affordable housing, or to purchase affordability covenants for existing market-rate units, to provide the required affordable housing. (FMC §8-22177(d))

\_\_\_\_\_ *Preservation of affordable units at risk of loss:* The applicant may propose to preserve existing affordable units at risk of loss to provide the required affordable housing. (FMC §8-22177(e))

\_\_\_\_\_ *In-lieu fee payment:* The applicant may pay a fee in-lieu of construction of affordable units on site. (FMC §8-22177(f))

